



Information Brief

Restorative Justice

Restorative justice is a set of disciplinary practices based on making reparations for infractions. In contrast to traditional disciplinary systems, restorative justice focuses on both the perpetrator and the victims of any harmful act. The goal is to restore a situation to a homeostatic state, where the individual or property harmed is healed, and perpetrators are held accountable for their actions. At the same time, it provides wrong doers support to enhance their competencies so they may be healed as well. Restorative justice could be a fit for schools seeking an instructional approach to behavioral change based on a belief that human beings are of value and have the potential for healing, growth, and change. It assumes they are worth the investment of time and skill to teach them to adapt to, and succeed in a changing world.

CRITICAL ELEMENTS ADDRESSED: School staff, families and community develop, communicate, and support clearly defined, appropriate high behavioral expectations.

- Indicator: School-wide proactive behavior management plans that promote respectful, responsible behavior are developed and implemented by all key stakeholders.
- Indicator: Effective instructional strategies are used to teach students school-wide and classroom expectations.

INTRODUCTION

Restorative justice is a different lens through which to view wrongdoing (Zehr, 1990). It puts primary focus on repairing the harm caused by offending behavior and on accountability on the part of those who have caused the harm, rather than on determining rule violations and punishment. A traditional approach to wrongdoing asks: "What laws or rules have been broken? Who did it? What shall the punishment be?" In contrast, within a restorative framework, the following questions would be considered: "Who has been harmed by this incident? What needs to be done to repair the harm? Who is responsible for this repair?" Restorative justice also recognizes that to repair the harm and to minimize repeat behavior, attention also must be paid to the needs of the individual who has caused the harm. The value system through which we look at behavior affects the definition of the problem, as well as possible solutions.

Though the principles and practices of restorative justice originated in the context of the criminal justice system during the 1990s, schools began adapting and applying a restorative approach in their own settings. This Information Brief will expand on the principles and values of restorative justice and look at examples of how these are being put into practice in schools.

PRINCIPLES

Restorative practices assume that all human beings are of value and have the potential for healing, growth and change. Restorative justice or restorative discipline in school contexts asserts that the primary impact of misbehavior is the harm done to other individuals and to relationships within groups. A just response is one that focuses on healing and repair of the harm, not on the violation of a rule or law. Restorative justice

focuses far more on restitution to individuals and the community that has been harmed than on punishment (Umbreit, 2001, page 28).

Misbehavior creates responsibilities not only for the ones who misbehave, but also for those affected. Participation of those most affected by misbehavior in the response gives them an opportunity to have a voice in how to repair wrongs and increases the likelihood that wrongdoers will learn from what happened by hearing and understanding the impact of their behavior on others. Such a forum encourages meaningful accountability by those who have harmed.

Any person who harms another is responsible for his or her own choices. However, restorative justice recognizes that a community has responsibility for social conditions that may contribute to wrongdoing (Umbreit, 2001, page 29). This implies that schools and communities have an obligation to provide support and restoration of those harmed and to enhance the competencies of those who have harmed. A restorative approach requires treating those who have misbehaved with respect and taking effective steps to integrate them back into families, schools and communities.

PRACTICES

Restorative justice practices give the individuals most affected by harmful or criminal acts a chance to be involved in responding to the harm caused by such acts (Umbreit, 2001, page 27). For those harmed, restorative measures provide:

- (1) choices in how they want to proceed,
- (2) an opportunity to talk about what happened,
- (3) a voice in how the harm might be repaired, and
- (4) a way to feel some power, safety, or affirmation.

For those who have harmed, a restorative approach provides:

- (1) a chance to accept responsibility for one's actions,
- (2) an opportunity to understand the impact their behavior has had on others and to develop empathy,
- (3) a chance to contribute to the solution,
- (4) an opportunity to make amends,
- (5) an opportunity to get assistance in developing skills to change behavior and attitudes that would help prevent future harm.

In a school setting, restorative practices have been used in response to incidents of theft, vandalism, bullying, minor physical assaults, verbal assault, truancy, unintentional injury, disturbing the peace, defiance of authority and others.

- Colorado School Mediation Project, 2000

Schools may apply some restorative practices, such as peacemaking circles, more generally for conducting class meetings or staff decision-making sessions, developing individualized education plans for special education and for other forums. The Iowa Peace Institute, with its "Building Peaceable Schools and Communities" program, is introducing concepts and practices of restorative approaches to schools and communities throughout Iowa.

Following are three examples of restorative practices that have been most widely applied in school settings. Additional practices are in wide use in community and criminal justice programs.

Victim Offender Dialogue: A trained facilitator, usually an adult, brings together a student who has been harmed with the student who caused the harm for a conversation about the incident. The victim can speak about the impact of the incident and be involved in developing a plan to repair the harm. The process may include a mutually acceptable written plan that may specify restitution or intangibles such as making an apology.

Small Group Conferencing (Family Group Conferencing): A trained facilitator brings together not only the perpetrator and victim, but also their parents and others affected by the incident. The goal of the conference is similar to that of the victim offender dialogue.

Peacemaking Circles: This process, derived from indigenous cultures, brings together the person who has caused the harm, the person who has been harmed, family members of both parties, and supporters, as well as others affected by the incident. The practice is so named because participants sit in a circle and speak one at a time going around the circle. The facilitator, or circle keeper, guides the conversation through the articulation of the values and guidelines of the process and through the use of a talking piece that passes around the circle. All participants have an equal opportunity to speak. This process is particularly suited to managing discussion of very emotional issues. Peacemaking circles may conclude with written agreements.

SUMMARY

Each of these practices is an element of a holistic response to disruptive behaviors. They contribute to enhancing community safety by strengthening relationships.

"Restorative results are measured by how much repair is done rather than by how much punishment was inflicted. Restitution to those harmed becomes the rule, not the exception."

- Anderson et al., p.7

In Minnesota restorative measures are being used in 40 percent of school districts. One impact these practices have had in four pilot programs is that suspensions and discipline referrals are dramatically reduced (Riestenberg, 2001, page 19). Early indications suggest that restorative approaches to discipline may also be related to improved student academic performance. (Roxanne Claasen, "Beyond Punishment," page 5.)

Lolya Lipchitz, Mediator of the Iowa Peace Institute, Grinnell, Iowa, wrote this Information Brief especially for this *Safe Schools Leadership Handbook*. Thank you, Lolya, for your contribution.

LEARN MORE ABOUT IT:

- **Web sites:**
 - Iowa Peace Institute, iapeace@netins.net, www.iapeace.org
 - Restorative justice programs in Minnesota schools, Nancy Riestenberg, prevention specialist, Minnesota Department of Children, Families and Learning, nancy.riestenberg@state.mn.us
 - Colorado School Mediation Project, info@csmp.org, www.csmp.org
 - Center for Peacemaking and Conflict Studies, Fresno Pacific University, www.fresno.edu/dept/pacs
 - Center for Restorative Justice and Peacemaking, University of Minnesota School of Social Work, <http://ssw.che.umn.edu/rjp>
- **In this Handbook:** See *Early Warning Timely Response* (Section 2), *Safeguarding Our Children: An Action Guide* (Chapters 2 & 5), "Success4 Critical Elements." For information beyond the scope of this handbook, refer to the Resources Section.